

Fiscal Services Division Legislative Services Agency Fiscal Note

SF 399 - Criminal Surcharge for DCI (LSB 1060 SV.1)

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Fiscal Note Version — SF 399 As Amended by H-8022

Description

Senate File 399 as amended by H-8022 increases the criminal surcharge from 30.0% to 32.0% and creates a Criminalistics Laboratory Fund, appropriates surcharge moneys, and makes other related changes.

Assumptions

1. In calendar year 2003, \$47.3 million in State fines and forfeited bail were imposed and \$8.8 million in county and local government fines were imposed. The total revenue for calendar year 2003 was \$56.1 million. Parking violation revenue is not included in the estimate.
2. The cumulative collection rate for scheduled traffic fines in year one is 72.2%, year two is 82.2%, and year three and ongoing years is 95.0%. The cumulative collection rate for non-schedule traffic fines in year one is 28.8%, year two is 47.8%, and year three and ongoing years is 62.8%.
3. The law will become effective July 1, 2004. A lag effect of six months is assumed from the law's effective date. An additional lag is assumed on the first full year of collection since the surcharge is a mixture of citations, felonies, and misdemeanors. The first full year of collection does not occur until the fourth year due to the lag applied in year one, the application of a three-year collection rate, and the case processing time of non-scheduled traffic violations.
4. The one-time cost for the Judicial Branch to program a new financial code in the Iowa Court Information System is approximately \$5,000.
5. The impact on persons unable to meet the additional financial burden would likely result in additional contempt of court charges. The approximate cost for one contempt of court charge is \$250.
6. The estimated cost for repair, replacement, and updating of lab equipment over a five-year period is \$4.4 million. This assumes that all equipment will be replaced every five years with approximately one-fifth of the equipment being replaced each year. This also assumes that crime scene vans would be replaced once every five years on a staggered schedule. Training and software updates would be done on an annual basis. The first year of maintenance agreements would be covered by warranty, and the Fund would cover the second and subsequent years. Staff computers would be replaced and upgraded at the same time rather than on a staggered basis, due to compatibility issues. The annual cost for replacement and repair of equipment for the first year is estimated to be \$768,000 and the second year and ongoing years is estimated to be \$918,000.
7. Under current law, of the revenue received from the 30.0% criminal surcharge, the State share is 95.0% and the counties/local governments receive 5.0%. Of the 95.0% State share, 18.0% is distributed to the Victim Compensation Fund and 82.0% is deposited in the General Fund.
8. House Amendment 8022 adds a DCI Crime Lab Fund to the language in Section 602.8108(3), Code of Iowa. Ninety-five percent of the revenue is the State's share and 5.0% is received by counties/local governments. Of the 95.0% State share, 6.0% is

distributed to the DCI Crime Lab Fund, 17.0% to the Victim Compensation Fund, and 77.0% is deposited in the General Fund.

Fiscal Impact

Senate File 399 as amended by H-8022 increases revenue to the General Fund, Victim Compensation Fund, and to county and local governments as well as creates a new fund for the Division of Criminal Investigation. The chart below shows the increased revenue anticipated to be received from the surcharge by fiscal year:

Increased Revenue from the 32.0% Criminal Surcharge

	<u>FY 2005</u>	<u>FY 2006</u>	<u>FY 2007</u>	<u>FY 2008</u>	<u>FY 2009</u>
Total State General Fund	\$ 7,000	\$ 11,000	\$ 14,000	\$ 16,000	\$ 16,000
Total Victim Compensation Fund	7,000	11,000	14,000	16,000	16,000
Total Criminalistics Laboratory Fund	352,000	548,000	652,000	757,000	757,000
Total County/Local	19,000	30,000	36,000	42,000	42,000
Total New Revenue Generated	<u>\$ 385,000</u>	<u>\$ 600,000</u>	<u>\$ 716,000</u>	<u>\$ 831,000</u>	<u>\$ 831,000</u>

The table below compares estimated new revenues under SF 399 as amended by H-8022 to the anticipated expenses of the crime lab over a five-year period.

	<u>FY 2005</u>	<u>FY 2006</u>	<u>FY 2007</u>	<u>FY 2008</u>	<u>FY 2009</u>	<u>5-Year Total</u>
REVENUE						
Criminalistics Laboratory Fund	\$ 352,000	\$ 548,000	\$ 652,000	\$ 757,000	\$ 757,000	\$ 3,066,000
EXPENDITURES						
Yearly Repair and Update Costs	173,000	173,000	173,000	173,000	173,000	865,000
Maintenance Agreements	0	150,000	150,000	150,000	150,000	600,000
Yearly Instrument Replacement Cost	66,000	66,000	66,000	66,000	66,000	330,000
5-year equipment replacement	529,000	529,000	529,000	529,000	529,000	2,645,000
Total	<u>\$ 768,000</u>	<u>\$ 918,000</u>	<u>\$ 918,000</u>	<u>\$ 918,000</u>	<u>\$ 918,000</u>	<u>\$ 4,440,000</u>
REVENUE SHORTFALL	<u>\$ - 416,000</u>	<u>\$ - 370,000</u>	<u>\$ - 266,000</u>	<u>\$ - 161,000</u>	<u>\$ - 161,000</u>	<u>\$ - 1,374,000</u>

Based on the estimated revenues and expenditures for the Criminalistics Laboratory Fund over a five-year period, the estimated shortfall is \$1.4 million.

Sources

Judicial Branch
 Department of Public Safety
 State Public Defender
 Department of Human Rights, Criminal Juvenile and Justice Planning Division

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The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.
